REMARKS

By this Amendment, Applicants amend independent claims 1, 6, 8, 13, 15, 20, and 22. Claims 1-26 remain pending in this application.

In the Final Office Action,[1] the Examiner rejected claims 1, 8, and 15 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,594,683 to Furlani et al. ("*Furlani*"); rejected claims 22-26 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,548,750 to Larsson et al. ("*Larsson*"); and rejected claims 2-7, 9-14, and 16-21 under 35 U.S.C. § 103(a) as being unpatentable over *Furlani* in view of *Larsson*.

I. Rejection of Claims 1, 8, and 15 Under 35 U.S.C. § 102(e)

Applicants respectfully traverse the rejection of claims 1, 8, and 15 under 35 U.S.C. § 102(e) as being anticipated by *Furlani*. In order to properly establish that *Furlani* anticipates Applicants' claims under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *See* M.P.E.P. § 2131, 8th Ed., Rev. 6 (Sept. 2007), quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicants submit that *Furlani* does not teach or suggest each and every element of Applicants' claims.

[1] The Final Office Action contains a number of statements reflecting characterizations of the related art, case law, and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement of characterization in the Final Office Action.

Independent claim 1, as amended, recites a method comprising, for example, "determining whether the data object is being archived by checking whether the ID is stored in a first lock object."

Furlani is silent with respect to any archiving. Therefore, *Furlani* fails to teach or suggest "determining whether the data object is being archived," as recited in claim 1.

Furthermore, the Examiner alleges that LockObject ID of *Furlani*, disclosed in Fig. 3, ref. 325 and col. 8, lines 46-48, teaches the claimed "ID." Final Office Action at 3. The Examiner's allegation is incorrect. Claim 1 recites "checking whether the ID is stored in a first lock object." (Emphasis added.) Therefore, the ID may or may not be stored in the first lock object. However, in *Furlani*, group lock object 303 always stores the LockObject ID 325. *See Furlani*, Fig. 3. The only variation mentioned in *Furlani* is that the "[]group lock identification[] field [(LockObject ID)] 325 . . . contains a monotonically increasing identification value." *Furlani*, col. 8, lines 47-48. Therefore, although LockObject ID 325 may contain varying values, the LockObject ID 325 is always stored in group lock object 303. *Furlani* is completely silent with respect to LockObject ID 325 not being stored in the group lock object 303, and thus is silent with respect to checking whether the LockObject ID 325 is stored in the group lock object 303. Accordingly, *Furlani* fails to teach or suggest "checking whether the ID is stored in a first lock object," as recited in claim 1.

For at least the foregoing reasons, *Furlani* fails to anticipate claim 1. Furthermore, claims 8 and 15, although different in scope from claim 1, are allowable for at least reasons similar to those given for claim 1. Accordingly, Applicants respectfully

request that the Examiner reconsider and withdraw the rejection of claims 1, 8, and 15 under 35 U.S.C. § 102(e).

II. Rejection of Claims 22-26 Under 35 U.S.C. § 102(b)

Applicants respectfully traverse the rejection of claims 22-26 under 35 U.S.C. § 102(b) as being anticipated by *Larsson*. *Larsson* does not teach or suggest each and every element of Applicants' claims.

Independent claim 22, as amended, recites a memory comprising, for example, "a first lock object storing the ID . . . , wherein the storage of the ID in the first lock object indicates that the data object is being archived."

The Examiner alleges that the LID table of *Larsson* teaches the claimed "first lock object." Final Office Action at 4. The Examiner's allegation is incorrect.

Larsson discloses that "[t]he local backup handlers . . . go through the LID table . . . and check the value of the BackupSynch variable. . . . If [the BackupSynch variable] is equal to 'include' [then] the object will be copied to the backup area, [and] if [the BackupSynch variable] is equal to 'exclude' [then] the object will not be copied." *Larsson*, col. 8, lines 5-10. *Larsson* further discloses that "[t]he 'BackupSynch' variable may be collected . . . in connection with entering 'COMMIT' into the transaction log, implying that the transaction has attained commit state." *Id.*, col. 3, lines 10-13. *Larsson* further discloses "[c]hang[ing] a 'BackupSynch' variable . . . to 'Exclude'" for "all transactions[] which have not reached the commit phase and which . . . shall not be included in the backup." *Id.*, col. 5, lines 38-43. Therefore, in *Larsson*, a BackupSynch variable set to "exclude" indicates that a database has not reached a commit state

because the transaction log still contains transactions that have not yet reached the commit phase. Nothing in *Larsson* "indicates that the data object is being archived," as recited in claim 22. Therefore, *Larsson* fails to teach or suggest "a first lock object storing the ID . . . , wherein the storage of the ID in the first lock object indicates that the data object is being archived," as recited in claim 22.

For at least the foregoing reasons, *Larsson* fails to anticipate claim 22. Furthermore, dependent claims 23-26 are allowable at least due to their dependence from allowable base claim 22. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 22-26 under 35 U.S.C. § 102(b).

III. Rejection of Claims 2-7, 9-14, and 16-21 Under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 2-7, 9-14, and 16-21 under 35 U.S.C. § 103(a) as being unpatentable over *Furlani* in view of *Larsson*. A *prima facie* case of obviousness has not been established.

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." M.P.E.P. § 2142(III). "[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . are as follows:

(A) [Determining the scope and content of the prior art;]

(B) Ascertaining the differences between the claimed invention and the prior art; and

(C) Resolving the level of ordinary skill in the pertinent art."

M.P.E.P. § 2141(II). "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III).

As discussed above, *Furlani* fails to disclose or suggest "determining whether the data object is being archived by checking whether the ID is stored in a first lock object," as recited in independent claim 1, and required by dependent claims 2-7. *Larsson* fails to cure the deficiencies of *Furlani*. That is, *Larsson* also fails to disclose or suggest "determining whether the data object is being archived by checking whether the ID is stored in a first lock object," as recited in independent claim 1, and required by dependent claims 2-7.

For at least the foregoing reasons, the scope and content of the prior art have not been properly determined, and the differences between the prior art and claims 2-7 have not been properly ascertained. Accordingly, no reason has been clearly articulated as to why the prior art would have rendered claims 2-7 obvious to one of ordinary skill in the art. Therefore, a *prima facie* case of obviousness has not been established with respect to claims 2-7. Furthermore, claims 9-14 and 16-21, although different in scope from claims 2-7, are allowable for at least reasons similar to those given for claims 2-7. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 2-7, 9-14, and 16-21 under 35 U.S.C. § 103(a).

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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